

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
CLERK
113 ST. JOSEPH STREET
MOBILE, ALABAMA 36602

FILED OCT 6 '06 PM 1:19 USDCLB

PAUL MOUSSET JOSEPH
A# 39051422
PETITIONER

OCTOBER 3, 2006
IN REMOVAL PROCEEDING

VERSUS
ALBERTO GONZALES, ET AL
RESPONDENT

06-637-KD-C

PETITION FOR WRIT OF HABEAS CORPUS

Pursuant 28 U.S.C. § 2241 Petitioner moves the court to issue a writ of Habeas corpus . Petitioner was convicted of aggravated assault and theft in Georgia . After serving his time at Jimmy Autry State Prison he was taken into DHS/ICE custody on November 17, 2204 . On March 17, 2005 Petitioner was ordered to be removed from United States , by Immigration Judge William Cassidy . Petitioner has fully cooperated with DHS/ICE about issuing his travel document . DHS/ICE has Petitioner valid Haitian Passport . Petitioner contends that this continued custody violates the provision of 8 U.S.C. § 123 (a) (6) as interpreted by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed.2d 653 (2001). Zadvydas held that § 123(a) (6) limits "an alien's post-removal-period detention to a period reasonably necessary to bring that alien's removal from the United States" and thus does not authorize the indefinite detention of an alien pending removal from the United States . Id. at 689 . Petitioner does not intend on fighting his case . He is seeking release from actual physical confinement after twenty-two months plus in DHS/ICE detention . Petitioner asks your Honorable Court to review his case .

CERTIFICATE OF SERVICE

I Hereby Certify that on October 3, 2006 a copy of the same was forwarded via first class mail and properly addressed to the Respondent :

Johm Mata
Atlanta field office
U.S. Department Of Homeland Security
77 forsyth Street SW
Atlanta , GA 30303

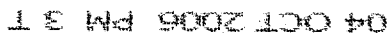
By: *Paul Mousset Joseph*
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